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FILER
JAN 06 2020
Tom Powers, Clerk
by Deputy Clerk

MONTANA SECOND JUDICIAL DISTRICT COURT
SILVER BOW COUNTY

Kevin Washington an individual and minority owner of CryptoWatt Investment Partners, LLC the sole member of CryptoWatt Mining, LLC.

Plaintiff,
v.

Matthew Brent Goetsche, an individual and majority owner of CryptoWatt Investment Partners, LLC the sole member of Cryptowatt Mining, LLC.

Defendant

Dept. 1
Cause No. DV-19-453

**RULE 3(b)
CERTIFICATION
OF NOTICE**

Comes now Plaintiff's counsel, Kris A. McLean, pursuant to Montana Uniform District Court Rule 3(b) and certifies the notice provided to the Defendant of the hearing on Plaintiff's Ex Parte Emergency Motion to Appoint a Receiver:

1. On June 6, 2019, Plaintiff's counsel became aware during a telephone conversation with Mr. Josh Kalish, that Mr. Kalish represented the defendant, Matthew Brent Goetsche (hereinafter "Goetsche") in matters concerning the CryptoWatt Bitcoin Mining Facility at Butte, Montana.
2. Mr. Kalish is an attorney in the law firm Odell, Girten, Seigel, LLC in New

York, New York.

3. On December 16, 2019, Plaintiff's counsel became aware during a telephone conversation with Mr. Patrick Ridley that Mr. Ridley represented the defendant, Goettsche in defense of the charges contained in the Indictment presently pending against defendant Goettsche in the United States District Court, District of New Jersey, attached as exhibit 1 to Plaintiff's Complaint in this case.
4. Mr. Ridley is an attorney in the Ridley, McGreevy & Winocur P.C. law firm in Denver, Colorado.
5. In an effort to provide defendant Goettsche and his attorneys as much notice as possible under these emergency circumstances, the undersigned Plaintiff's counsel emailed Mr. Kalish and Mr. Ridley on December 29, 2019 at 10:54 p.m. Mountain time attaching copies of the Complaint filed in this case, the Complaint filed in DV 19-452 (FX Solutions, Inc. v. Goettsche), the summons issued in each case, acknowledgment of service and waiver of service forms for each case, a DRAFT of Plaintiff's Ex Parte Emergency Motion for Appointment of Receiver, a DRAFT of Plaintiff's Brief in Support of his Ex Parte Emergency Motion for Appointment of Receiver, a DRAFT of the Proposed Order for Appointment of a Receiver, a DRAFT of the Bitcoin Protocol attached to the Proposed Order for Appointment of a Receiver, the affidavit of Mr. Richard B. Tabish attached to Plaintiff's Complaint and DRAFT Brief in Support of his Ex Parte Emergency Motion for Appointment Plaintiff's Rule 3(b) Certification of Notice

- of a Receiver and a DRAFT Affidavit of Mr. Kevin Washington.
6. On December 30, 2019 at 7:53 a.m. Mountain time, Mr. Kalish emailed Plaintiff's counsel acknowledging receipt of Plaintiff counsel's email and documents described in paragraph 5 above.
 7. On December 30, 2019 at 9:04 p.m. Mountain time, Plaintiff's counsel emailed Mr. Kalish and Mr. Ridley copies of Plaintiff's filed versions of Plaintiff's Emergency Ex Parte Motion for Appointment of a Receiver, Brief in Support of Emergency Ex Parte Motion for Appointment of a Receiver, Mr. Richard B. Tabish's affidavit, Proposed Order for Appointment of a Receiver and Bitcoin protocol.
 8. On December 31, 2019 at 3:21 p.m. Mountain time, Plaintiff's counsel emailed Mr. Kalish and Mr. Ridley a copy of this Court's Order, filed that same date, setting a hearing on Plaintiff's Emergency Ex Parte Motion for Appointment of a Receiver for January 8, 2020 at 1:30 before this Court.
 9. On January 4, 2020, Mr. John Smith of the Smith and Stephens P.C. law firm in Missoula, Montana informed Plaintiff's counsel during a telephone call that Mr. Smith had been retained by defendant Geottsche to represent defendant Goettsche in connection with Plaintiff's Emergency Ex Parte Motion for Appointment of a Receiver.
 10. On January 5, 2020 at 3:09 p.m. Mountain time, Mr. Smith emailed Plaintiff's counsel that Plaintiff's counsel could represent to this Court in this Certification that Mr. Smith is aware of the hearing set before this Court on June 8, 2020 and Plaintiff's Rule 3(b) Certification of Notice

that he is currently planning to attend the hearing as defendant Goetsche's counsel. Mr. Smith also stated in the email that he was reserving all of defendant Goetsche's rights and objections. Mr. Smith cautioned in the email that he was not sure whether defendant Goetsche had actually seen the pleadings in this case yet, so Mr. Smith was not suggesting that Mr. Goetsche has had sufficient personal service of Plaintiff's Emergency Ex Parte Motion or of the hearing set on Plaintiff's Emergency Ex Parte Motion set before this court on January 8, 2020 at 1:30 p.m.. To date, Plaintiff's counsel has not received the acknowledgment of service and waiver of service forms served on defendant Goetsche's counsel on December 29, 2019.

11. Plaintiff's counsel and Mr. Smith have engaged in discussions to determine if defendant Goetsche will be opposing Plaintiff's Emergency Ex Parte Motion for Appointment of a Receiver. As of the signing of this Certification, Plaintiff's counsel has not been advised whether Mr. Goetsche will oppose Plaintiff's Ex Parte Emergency Motion for Appointment of a Receiver.

Wherefore, the undersigned Plaintiff's counsel respectfully certifies that defendant Goetsche has been contacted through his counsel and given reasonable notice of the hearing on Plaintiff's Emergency Ex Parte Motion for Appointment of a Receiver set before this Court on January 8, 2020 at 1:30 p.m.

DATED this 6th day of January 2020.

KRIS A. MCLEAN LAW FIRM, PLLC

Kris A. McLean

Kris A. McLean

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following electronically by email:

John E. Smith
Smith & Stephens, P.C.
315 West Pine Street
Missoula, Montana 59802
john@smithstephens.com

Josh Kalish
Odell, Girton Siegel, LLC
434 West 33rd Street, PH
New York, New York 10001
josh@ogslawllc.com

Patrick Ridley
303 16th Street, Suite 200
Denver, Colorado 80202
ridley@ridleylaw.com

DATED this 6th day of January 2020.

Kris A. McLean

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